IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1738 OF 2006

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri S.K.Mali for the Appellant.
Shri S.M. Kazi for the Respondent Nos.1 to 7.
Shri Amit Yadav for the Respondent No.8.

CORAM : A. S. OKA, J.
DATE : JULY 27, 2006.

P.C.:

1. Heard the Advocate appearing for the Appellant. The Appellant is the original Plaintiff. Averments made in paragraph No.19 of the plaint show that the suit is specifically filed under section 6 of the Specific Relief Act, 1963. In view of sub-section 3 of section 6 of the said Act of 1963, this First Appeal is not maintainable. Dismissed as not maintainable. The Appellant is entitled to refund of court fees as per rules.

2. Notwithstanding dismissal of the First Appeal, the Appellant will be free to adopt appropriate proceedings for challenging the impugned judgment and decree.

JUDGE